

REMARKS

I. Introduction

Claims 9 and 10 are canceled. Claims 8 and 11-14 remain pending in the present application. Claim 8 has been amended. In view of the following remarks, it is respectfully submitted that all pending claims are allowable, and reconsideration of these claims is respectfully requested.

II. Rejection of Claims 8-14 under 35 U.S.C § 112

Claims 8-14 are rejected under 35 U.S.C § 112, first paragraph, for failure to comply with the written description requirement. Claim 8 has been amended so as to render moot this rejection. Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 8-14 under 35 U.S.C § 103(a)

Claims 8-14 are rejected under 35 U.S.C § 103(a) as being obvious over U.S. Patent No. 6,095,554 ("Foo") in view of U.S. Patent No. 5,882,034 ("Davis") and further in view of U.S. Patent Pub. No. 2003/0195677 ("Stierle") or U.S. Patent No. 6,533,317 ("Kath") or U.S. Patent No. 6,516,259 ("Morrell"). Applicants respectfully submit that the rejection should be withdrawn for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure

in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 8 has been amended to recite, in relevant part, “**an inertial sensor system situated in a first location** in the vehicle, wherein the first location is one of a vehicle tunnel or a B-pillar; **a processor** for evaluating a signal of the inertial sensor system **situated in a second location** in the vehicle, wherein the second location is one of a trunk, under a vehicle seat, in a vehicle seat or a vehicle roof; and **a firing circuit control**, which is triggered as a function of a second signal of the processor, **situated in a third location** in the vehicle, wherein the third location is different from the first location and the second location.”

According to the above recited subject matter of claim 8, the inertial sensor system, the processor and the firing circuit control are each in different locations. In particular, the inertial sensor system is in either the vehicle tunnel or the B-pillar, while the processor and the firing circuit control are located elsewhere, in separate locations. Further, the location of the processor is limited to the trunk, under the seat, in the seat, or the roof.

The Examiner cites Stierle, Kath and Morrell as disclosing systems in which the processor is mounted separately from their respective sensor inputs. However, none of the applied references shows a configuration in which **the sensors, the processor and a firing circuit control are each in different locations, with the processor being in one of a trunk, under a vehicle seat, in a vehicle seat or a vehicle roof**. Stierle does not explicitly mention the location of the processor. Additionally, it is apparent from Figure 1 of Stierle that the processor location cannot be **one of a trunk, under a vehicle seat, in a vehicle seat or a vehicle roof**. Kath expressly provides for an air-bag controller that is co-located with the airbag in a vehicle dashboard. Accordingly, Kath does not teach or suggest **a processor being in one of a trunk, under a vehicle seat, in a vehicle seat or a vehicle roof**. Morrell also fails to explicitly mention the location of the processor. Additionally, it is apparent from Figure 1 of Morrell that the processor location cannot be **one of a trunk, under a vehicle seat, in a vehicle seat or a vehicle roof**.

For the reasons discussed above, Stierle, Kath and Morrell do not remedy the deficiencies of Foo and Davis as applied against claim 8. Accordingly, the proposed combination of Foo and Davis with Stierle, Kath or Morrell does not render obvious

independent claim 8, as well as dependent claims 11-14. For at least the foregoing reasons, claims 8 and 11-14 are allowable over the applied prior art.

With respect to claims 13 and 14, the Examiner has taken Official Notice "that the use of a BUS system and plug-in components are well known electrical expedients in the automobile art." Applicants respectfully traverse the Examiner's assertions and request evidence supporting these assertions made by the Examiner, as discussed in MPEP 2144.03.

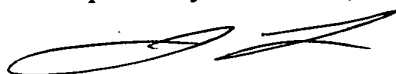
Additionally, the rationale asserted by the Examiner for combining the facts noticed with the applied references does not articulate a sufficient reason for making the asserted combination. Merely because an option is known does not provide reason for applying the option to a particular device or application. Applicants respectfully direct the Examiner's attention to MPEP 2141 and the example rationales contained therein, and request clarification as to the required obviousness rationale.

Claims 13 and 14 are therefore allowable for these additional reasons.

IV. Conclusion

In view of all of the above, it is respectfully submitted that all of the presently pending claims are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



(R - NO.
36,197)

Dated: 5/21, 2010

By: JOHN LEE for Gerard Messina
Gerard A. Messina
(Reg. No. 35,952)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646